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**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH**  
**CENTRAL DIVISION**

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**HUSSAIN KAMEL ALABESI,**

Plaintiff,

v.

**UNITED STATES CITIZENSHIP AND  
IMMIGRATION SERVICES,**

Defendant.

**ORDER AFFIRMING  
REPORT & RECOMMENDATION**

**Case No. 2:11CV501DAK**

**Judge Dale A. Kimball**

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This case was assigned to United States District Court Judge Dale A. Kimball, who then referred it to United States Magistrate Judge Brooke C. Wells under 28 U.S.C. § 636(b)(1)(B). Plaintiff Hussain Kamel Alabesi instituted this civil rights action alleging that Defendant wrongfully failed to make a final decision as to his citizenship. Defendant filed a motion requesting dismissal of Plaintiff's Complaint for lack of subject matter jurisdiction.

On December 27, 2011, Magistrate Judge Wells issued Report and Recommendation, finding that Plaintiffs' claims are now moot because Defendant has made a final decision regarding Plaintiff's citizenship. Based on the absence of an actual case or controversy, Magistrate Judge Wells recommends that this court grant Defendant's motion to dismiss for lack of subject matter jurisdiction.

The Report and Recommendation notified Plaintiff that any objection to the Report and Recommendation was required to be filed within fourteen days of receiving it. The time for

filing an objection has passed and no objection has been filed to the Report and Recommendation.

The court has reviewed the file *de novo*. The court approves and adopts the Magistrate Judge's Report and Recommendation in its entirety. Accordingly, Defendant's Motion to Dismiss is GRANTED and Plaintiff's Complaint is DISMISSED. The Clerk of Court shall close the case.

DATED this 25<sup>th</sup> day of January, 2012.

BY THE COURT:

A handwritten signature in black ink, reading "Dale A. Kimball", is written over a horizontal line.

DALE A. KIMBALL

United States District Judge